

REMARKS

In reply to the Final Office Action mailed March 27, 2009, the Applicants first address point 2 of the Final Office Action relative to the Information Disclosure Statement filed February 26, 2009. Second, the amendment of claim 25 and the allowance of dependent claims will be discussed as well as the addition of new independent claim 57, all under Rule 116.

1. The Information Disclosure Statement

It was requested of the Applicants to submit a complete copy of the Gut reference "Anode supported PEN for SOFC," which appears to be materially significant to the claimed invention, as evidenced by the application of this reference in the prior art rejections in the Final Office Action.

The Gut reference as submitted came to the Applicant's attention from a third party submission made during the prosecution of the corresponding application before the European Patent Office. Nothing more of that reference is readily available to the Applicants, therefore.

On the other hand, this reference is part of the annual report journal of an energy research project that was published in April/May of the following year by the OFEN (Swiss Federal Office of Energy). The Gut reference was publicly available at the time of its publication in the annual report, that is to say in April/May 2002, and, therefore, during the year after Applicant's priority date of January 9, 2002. Hence, this Gut reference should not be considered as prior art to the present application.

In view of this point, the objections raised by the Examiner relative to the Gut reference are now believed to be moot.

2. Amendment of claim 25

Claim 25 is presently amended to incorporate the technical features of claim 26, and recites that the raised structures on the rear face of the cathode and of the anode comprise a plurality of prominent bumps.

As claim 26 is now proposed to be cancelled, claim 27 has been proposed to be amended for dependency consistency.

As commented under point 9 of the Final Office Action, the Applicant's combination of the raised structures and bumps is not taught, suggested or rendered obvious by the prior art.

Under points 3 to 8 of the Final Office Action, claims 42-43, 44-48 and 52-55 were found to be unpatentable over the prior art. Since these claims are now proposed to be dependent on proposed amended 25, they now recite the raised structures comprising a plurality of bumps limitation. None of the cited prior art documents, alone or in combination, teach, suggest or render obvious the subject matter therein.

Therefore, upon the entry of the requested claim amendments under Rule 116, the subject-matter of claims 42-43, 44-48 and 52-55 should be found to be allowable.

3. New claim 57

New independent claim 57 combines the subject matters of former claim 25 and claim 30. It specifies that the SOFC PEN further has a raised structure on the front face of the anode on the electrolyte side.

According to the Examiner's comment under point 9 of the Final Office Action, the subject matter of claim 57 is patentable over the prior art and should therefore be allowable.

The Applicants respectfully submit that all rejections of the claims have been duly addressed by the proposed amendments under Rule 116, and the supporting arguments, and Applicants respectfully request entry of the claim amendments under Rule 116 and the issuance of a notice of allowance on all pending claims, as amended.

Respectfully submitted,

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